

## SENATE BILL NO. 306

INTRODUCED BY T. MURPHY, VINCENT, G. BENNETT, OLSON, KEANE, BROWN, BUTTREY, YATES,  
HALE

A BILL FOR AN ACT ENTITLED: "AN ACT CLARIFYING THE PROHIBITION OF CYANIDE HEAP AND VAT  
LEACH OPEN-PIT GOLD AND SILVER MINING; AND AMENDING SECTION 82-4-390, MCA."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 82-4-390, MCA, is amended to read:

**"82-4-390. Cyanide heap and vat leach open-pit gold and silver mining prohibited.** (1) Open-pit  
mining for gold or silver using heap leaching or vat leaching with cyanide ore-processing reagents is prohibited  
except as described in ~~subsection~~ SUBSECTIONS (2) AND (3).

(2) A mine described in this section operating on November 3, 1998, may continue operating under its  
existing operating permit or any amended permit that is necessary for the continued operation of the mine.

~~(3) (a) Pursuant to subsection (3)(b), open-pit mining for gold or silver that produces or has produced  
an ore, concentrate, tailing, waste rock, or other metalliferous product is allowed.~~

~~—— (b) If the ore, concentrate, tailing, waste rock, or other metalliferous product is processed as provided  
in subsection (1), it must be processed at a mine described in subsection (2).~~

(3) (A) EXCEPT AS PROVIDED IN SUBSECTION (3)(B), A PERSON WHO HOLDS AN OPERATING PERMIT FOR AN  
OPEN-PIT MINE MAY HAVE ORE FROM THAT MINE OR OTHER METALLIFEROUS PRODUCT DERIVED FROM THAT ORE  
PROCESSED WITH CYANIDE ORE-PROCESSING REAGENT IN A FACILITY AT A MINE THAT ON NOVEMBER 3, 1998, WAS USING  
CYANIDE ORE-PROCESSING REAGENT PURSUANT TO AN OPERATING PERMIT THAT INCLUDED BOTH THE FACILITY AND THE  
ASSOCIATED MINE.

(B) IF THE MINE REFERRED TO IN SUBSECTION (3)(A) WAS USING CYANIDE ORE-PROCESSING REAGENT AT A HEAP  
LEACHING FACILITY, THE MINE MAY PROCESS ORE OR METALLIFEROUS PRODUCT FROM ANOTHER OPEN-PIT MINE USING  
CYANIDE ORE-PROCESSING REAGENT ONLY IF THE PERMIT HAS NOT BEEN AND IS NOT AMENDED TO EXPAND THE  
BOUNDARIES OF THE PERMITTED AREA BEYOND THE PERMITTED AREA AS IT EXISTED ON NOVEMBER 3, 1998."

- END -